

**FAX COVER SHEET**

|            |                         |
|------------|-------------------------|
| TO         | Commssioner for Patents |
| COMPANY    | USPTO                   |
| FAX NUMBER | 17033086459             |
| FROM       | Andy Arismendi          |
| DATE       | 2003-10-01 15:11:07 GMT |
| RE         | A/N: 09/269,518         |

**COVER MESSAGE**

Retransmittal of fax sent August 18, 2003


Petition under 37 CFR 1.181 (no fee)

Attn: Paralegal Specialist: ~~Nguyen Ngoc Ho~~

Ph: 703-308-6508

57 pages (including fax coversheet)

**RECEIVED**  
**01 OCT 2003**  
Legal Staff  
International Division

| CERTIFICATE OF FACSIMILE TRANSMISSION   |  |
|---|--|
| <p>I hereby certify that this correspondence is being deposited in the United States Patent and Trademark Office on this date, August 18, 2003, by facsimile transmission to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, to the attention of Examiner Ho Nguyen at facsimile number (703) 308-6450.</p> |  |
| Signature   |  |
| Printed Name  | Andy Arismendi, Jr.  |

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

David Peter Fenner et al.

APPLICATION NO.: 09/269,518

FILED: 02 April 1999

TITLE: Fan Rotor

Box PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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GROUP ART UNIT: unknown

EXAMINER: unknown

ATTY. DKT. NO.: 34703.00006

PETITION UNDER 37 CFR§ 1.181

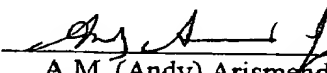
Dear Sir:

In response to the Request for Status faxed 01 August 2003, referencing the above-identified matter, we received a response from Paralegal Specialist Nguyen Ngoc-Ho mailed 12 August 2003 (Exhibit 1). In said response, Mr. Ho has requested we file a Petition under 37 CFR 1.181 for acceptance of copies of all papers submitted on 30 March 2001 and on 15 June 2001, including evidence of receipt in the Office of these papers. Per telephone conference between Mr. Arismendi and Mr. Ho on 15 August 2003, Mr. Ho indicated that no fees would be due for filing such a petition.

Per such request, we hereby file this Petition for acceptance of true and accurate copies of all papers submitted on 30 March 2001 (Exhibit 2) and on 15 June 2001 (Exhibit 3), including evidence of receipt in the Office of these papers. Such copies are submitted herewith.

Respectfully submitted by,

Date: 18 August 2003

  
A.M. (Andy) Arismendi, Jr.  
Reg. No. 31,715

A.M. (Andy) Arismendi, Jr., PC  
P.O. Box 35512  
Houston, TX 77235-5512  
Telephone: 713-256-3773  
Facsimile: 281-754-4386

**EXHIBIT 1**

Response to Status Inquiry mailed 12 August 2003.



12 AUG 2003  
UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. Box 1450  
ALEXANDRIA, VA 22313-1450  
www.uspto.gov

A.M. Andy Arismendi, Jr.  
Post Office Box 35512  
Houston, Texas 77235-5512

Dear Mr. Arismendi:

This is in response to your letter received 01 August 2003 inquiring about the status of the Response to the Notification of Missing Requirements in U.S. patent application 09/269,518 filed by facsimile on 30 March 2001 and by "Express Mail" on 15 June 2001. A review of the application file indicates that both submissions mentioned above are not matched with the file at this time. Should prosecution of the application be desired, applicant should file a Petition under 37 CFR 1.181 for acceptance of copies of all the papers submitted on 30 March 2001 and on 15 June 2001, including evidence of receipt in the Office of these papers. The papers should be accompanied by a statement from the attorney that the copies submitted with the petition are true copies of what was filed and of the postcard as returned by the USPTO. The Petition may be filed by facsimile to the PCT Legal Office at (703) 308-6459.

Sincerely,

*Nguyễn Ngọc Hồ*

Nguyễn Ngọc-Hồ  
Paralegal Specialist  
PCT Legal Office

Tel: (703) 308-6508

**EXHIBIT 2**

Papers submitted 30 March 2001 with Transmission Verification Report:

1. Transmission Verification Report
2. Fax Coversheet
3. Communication of 30 March 2001 to Lamont Hunter (National Stage Processing) with following attachments:
  - I. Notification of Missing Requirements mailed 01 June 1999
  - II. Response to Notice to File Missing Parts of Application (Express Mail EL 357 877 986 US).
    - A. Declaration & Power of Attorney
    - B. Statement Claiming Small Entity Status
    - C. Check for \$65.00
    - D. Return Postcard
  - III. Petition to Withdraw Holding of Abandonment with following attachments:
    - A. Notification of Missing Requirements mailed 01 June 1999
    - B. Notification of Defective Oath or Declaration mailed 01 June 1999
    - C. Response to Notice to File Missing Parts of Application (Express Mail EL 357 877 986 US).
    - D. Copy of Return Postcard
    - E. Copy of letter transferring case from Jenkins & Gilchrist to Mr. Arismendi
    - F. Notice of Abandonment
    - G. Copy of docket report printed 22 July 1999.
  - IV. Copy of return postcard for petition to withdraw holding of abandonment
  - V. Decision on Petition to Withdraw Holding of Abandonment
  - VI. Notification of Missing Requirements mailed 15 March 2001
  - VII. Revocation of Powers of Attorney and New Power of Attorney

**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this correspondence is being deposited in the United States Patent and Trademark Office on this date, March 30, 2001, by facsimile transmission to the attention of Lamont Hunter of the National Stage Processing department at facsimile number (703) 305-3230.

Signature: Susan B. Jensen  
 Printed Name: Susan B. Jensen

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF

David FENNER, et al.

APPLICATION NO.: 09/269,518

FILED: April 9, 1998

TITLE: Fan Rotor

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GROUP ART UNIT: unknown

EXAMINER: unknown

ATTY. DKT. NO.: 34703.00006

Box PCT  
 Commissioner for Patents  
 Washington, D.C. 20231

ATTN: National Stage Processing: Lamont Hunter

Dear Sir:

Per your telephone conversation with Susan Jensen of our office referencing the above-identified matter, enclosed are true and accurate copies of the Response to the Notification of Missing Requirements dated June 1, 1999, Petition to Withdraw Holding of Abandonment, Decision (Granted) on Petition to Withdraw Holding of Abandonment, the most recent Notification of Missing Requirements, and our Power of Attorney.

Should you have any questions or require additional information, please feel free to contact me at (713) 652-2555.

Respectfully submitted by,

Date: March 30, 2001

Andy Arismendi, Jr.  
 A.M. (Andy) Arismendi, Jr.  
 Reg. No. 31,715

A.M. (Andy) Arismendi, Jr.  
 Lundeen & Arismendi, LLP  
 P.O. Box 131144  
 Houston, TX 77219-1144  
 Telephone: 713-652-2555  
 Facsimile: 713-652-2556

Serial Number: 09/269,518  
 Inventor: Fenner, et al.  
 Atty. Docket No. 34703.00006

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of  
 Fenner, et al.

Application No. 09/296,518

Filed: April 2, 1999

Title: FAN ROTOR

Attorney Docket No. 34703.00006

Group Art Unit:

Examiner: (unassigned)

EL357877986US

Assistant Commissioner for Patents  
 BOX PCT  
 Washington, D.C. 20231

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION  
 FILING DATE GRANTED**

**CERTIFICATE OF MAILING BY EXPRESS MAIL  
 UNDER 37 CFR 1.10**

I hereby certify that this paper or fee is being deposited with the  
 U.S. Postal Service "Express Mail Post Office to Addressee"  
 service, "EXPRESS MAIL" Mailing Label No. EL357877986US  
 on the date indicated below and is addressed to Box Missing Parts,  
 Assistant Commissioner for Patents, Washington, D.C. 20231

Date:

July 1, 1999

ALAN R. THIELE, Registration No. 30,694

Attorney or Agent

*Alan R. Thiele*

Signature

Serial Number: 09/269,518  
Inventor: Fenner, et al.  
Atty. Docket No. 34703.00006

Sir:

This reply is to a Notification of Missing Requirements under 35 U.S.C. 371-(PCT/DO/EO/905) mailed June 1, 1999. A copy of the Notice is enclosed.

Below is a Statement by the undersigned registered agent that the application filed in the PCT is the application which the inventor executed by signing the attached Declaration.

### **I. DECLARATION OR OATH**

A Declaration was filed with the original application but was not executed. Enclosed is a Declaration (with original signatures) for this application.

### **II. SMALL ENTITY STATUS**

A Verified Statement that this filing is by a small entity was filed with the original application but not executed. Enclosed is a signed Verified Statement by the assignee for this application. A copy of the Assignment is also enclosed.

### **III. COMPLETION FEES**

Surcharge fees: Late filing of original Declaration or Oath per 37 C.F.R. §1.16(e) - \$130.00; small entity - \$65.00. Total completion fees is \$65.00.

### **IV. EXTENSION OF TIME**

An extension of time for the filing of this completion document is not required.

### **V. TOTAL FEES DUE**

|                        |                |
|------------------------|----------------|
| Completion fee         | \$65.00        |
| Extension Fee (if any) | <u>\$ 0.00</u> |
| Total fees due         | <u>\$65.00</u> |



Serial Number: 09/269,518  
Inventor: Fenner, et al.  
Atty. Docket No. 34703.00006

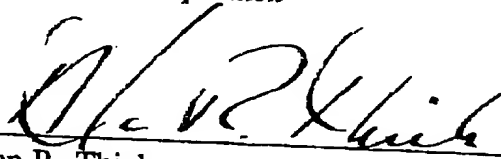
## VI. PAYMENT OF FEES

Enclosed is a check in the amount of \$65.00 to cover Completion and Extension Fees.

## VII. AUTHORIZATION TO CHARGE ADDITIONAL FEES

The Commissioner is hereby authorized to charge any additional fees which may be required by this paper during the pendency of this application to Account No. 10-0447.

Respectfully submitted,  
JENKENS & GILCHRIST  
*A Professional Corporation*



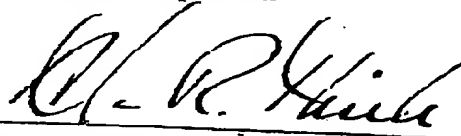
Alan R. Thiele  
Reg. No. 30,694  
Patent Attorney  
Tele: (Voice) (210) 246-5657  
(Facsimile) (210) 246-5999

July 1, 1999  
Date

## STATEMENT BY AGENT THAT APPLICATION FILED IN PATENT & TRADEMARK OFFICE IS THE ONE INVENTOR EXECUTED BY SIGNING DECLARATION

I hereby state that I am an agent for this application and that the application identified above is the application which the inventor executed by signing the Declaration that is being submitted herewith.

Respectfully submitted,  
JENKENS & GILCHRIST  
*A Professional Corporation*



Alan R. Thiele, Reg. No. 30,694



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: ASSISTANT COMMISSIONER FOR PATENTS  
Box PCT  
Washington, D.C. 20231

|   |                                 |                                   |
|---|---------------------------------|-----------------------------------|
| U.S. APPLICATION NO.<br>09/269,518              | FIRST NAMED APPLICANT<br>FENNER | ATTY. DOCKET NO.<br>D 34703-00006 |
| INTERNATIONAL APPLICATION NO.<br>PCT/GB97/02940 |                                 |                                   |
| I.A. FILING DATE<br>10/27/97                    |                                 |                                   |
| PRIORITY DATE<br>10/03/96                       |                                 |                                   |

DATE MAILED: 06/01/99

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

- ☐ a Designated Office (37 CFR 1.494),  
☒ an Elected Office (37 CFR 1.495):

☒ U.S. Basic National Fee.

☒ Copy of the international application in:

- ☐ a non-English language.  
☒ English.

☐ Translation of the international application into English.

☐ Oath or Declaration of inventor(s) for DO/EO/US.

☐ Copy of Article 19 amendments.

☐ Translation of Article 19 amendments into English.

☒ The International Preliminary Examination Report in English and its Annexes, if any.

☒ Translation of Annexes to the International Preliminary Examination Report into English.

☒ Preliminary amendment(s) filed 02 Apr 1999 and         

☐ Information Disclosure Statement(s) filed          and         

☐ Assignment document.

☐ Power of Attorney and/or Change of Address.

☐ Substitute specification filed         

☒ Statement Claiming Small Entity Status.

☒ Priority Document.

☒ Copy of the International Search Report ☒ and copies of the references cited therein.

☐ Other:

2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- ☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.

☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.

- ☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).

- ☐ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

☒ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.

- ☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$          as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.

**ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☐ 21 OR ☒ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.

5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

**A copy of this notice MUST be returned with this response.**

Enclosed: ☒ PCT/DO/EO/917  
☐ PTO-875

☐ Notice of Defective Translation

FORM PCT/DO/EO/905 (December 1997)

Telephone: (703) 306-3686

INTELLECTUAL PROPERTY

JUN 07 1999

JENKENS & GILCHRIST

\* DOCKETED

Int. 22 DT: 6-2-99

Action complete Date: 6-1

Missing Parts due 7-1-99

**LUNDEEN & ARISMENDI, LLP**  
**P.O. Box 131144**  
**Houston, Texas 77219-1144**  
**Phone: (713) 652-2555 Facsimile (713) 652-2556**

**F A C S I M I L E**

**DATE:** March 30, 2001 **CLIENT/MATTER#** \_\_\_\_\_

**DISPOSITION:** Normal X **TIME:** 3:15 pm  
RUSH \_\_\_\_\_

**NUMBER OF PAGES: (Including Cover Sheet):** 45

**FROM:** A.M. (Andy) Arismendi, Jr.

**TO:** Lamont Hunter

**THIS FACSIMILE TRANSMISSION MAY CONTAIN INFORMATION WHICH IS PRIVILEGED, OR OTHERWISE CONFIDENTIAL. IF YOU ARE NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISCLOSURE, USE, OR DISSEMINATION OF THIS INFORMATION IS IMPROPER AND PROHIBITED. IF YOU HAVE RECEIVED THIS TRANSMISSION IN ERROR, KINDLY CALL THE SENDER COLLECT TO ARRANGE FOR ITS RETURN.**

**FACSIMILE NUMBER CALLED:** 703 305 3230

**DOCUMENTS SENT:** \_\_\_\_\_

**ADDITIONAL MESSAGE OR COMMENTS:** \_\_\_\_\_

**FACSIMILE SENT BY:** Susan B. Jensen

**If you do not receive all pages or if pages are not legible,  
please contact the above at (713) 652-2555.**

Jenkins & Gilchrist

No. 121338

| DATE     | INVOICE        | DESCRIPTION                            | AMOUNT |
|----------|----------------|--|--------|
| 07-01-99 | 34703 6/THIELE | PCT FILING FEE FOR OATH OR DECLARATION | 65.00  |
| TOTAL    |                |  | 65.00  |

THIS CHECK CONTAINS A VOID FEATURE. MICRO-PRINTED SIGNATURE LINE AND AN ARTIFICIAL WATERMARK ON BACK. HOLD UNDER BLACKLIGHT TO VERIFY AUTHENTICITY

**JENKENS & GILCHRIST**  
A PROFESSIONAL CORPORATION  
1445 ROSS AVE., SUITE 3200  
DALLAS, TEXAS 75202-2711

Chase Bank of Texas, N.A.  
San Angelo

PAY TO THE ORDER OF SIXTY-FIVE AND 00/100 Dollars

ASSISTANT COMMISSIONER FOR PATENTS

121338

CHECK DATE 06/30/99

CHECK AMOUNT \$65.00

88-88 1113

*Andy Arismendi*

TWO SIGNATURES REQUIRED OVER \$10,000  
VOID AFTER 180 DAYS

121338 111300880 06300044321

**STAMP OF THE PATENT OFFICE, PLACED HERE** **N.** **OWLEDGES RECEIPT OF:**

Applicant: Daniel Fenner, et al.  
 Attorney/Agent: Alan J. Thiele  
 Serial No.: 09/269519 Ass. Docket No.: 34703-00006  
 Date Mailed: 7/1/99 Due: 7/1/99

☐ Affidavit or ☐ Declaration  
☐ Application for Patent Including  
          pages spec.,      pages claims  
☒ Declaration or ☒ Oath w/Power of Attorney  
☐ Application for Intent-To-Use TM/SM  
☐ Application for TM/SM Reg. w/specimens  
☒ Certificate of Express Mail 37 CFR 1.10  
     Express Mail No. EL357877986US  
☐ Information Disclosure Statement  
☐ PTO Form 1449,      references  
☐ Power of Attorney  
☐ Reg. for Filing ☐ Continuation ☐ Divisional  
     Application Under 37 CR 1.60  
☒ Verified Statement to Establish Small Entity Status  
☐ Postcard  
☒ Check for \$ 65.00

☐ Amendment/Response To Office Action  
☐ Brief,      copies  
☐ Assignment, check for \$       
☐ Assignment Recordation Cover Sheet  
☐ Power of Attorney by Assignee  
☐ Certificate of Mailing Under 37 CFR 1.8(a)  
☐ Declaration of Attorney  
☐ Drawings:      sheets  
     ☐ Formal or ☐ Informal  
☐ Issue Fee Transmittal  
☐ Notice of Appeal  
☐ Petition for Extension of Time      months  
     ☐ with check for \$       
☐ Priority Document  
☒ Transmittal Letter  
☐ Other:     

**EXPRESS MAIL** **POST OFFICE TO ADDRESSEE**

**ZIP Code** 78205 **Day of Delivery** ☒ Next ☐ Second

**Flat Rate Envelope** ☐ **Postage** \$ 11.75

**Return Receipt Fee** ☐ **Insurance Fee** ☐

**Delivery** ☐ Weekend ☐ Holiday

**Customer Copy** Label 11-F July 1997

**SEE REVERSE SIDE FOR SERVICE GUARANTEE AND LIMITS ON INSURANCE COVERAGE**

**TO: (PLEASE PRINT)** **PHONE**

**JENKINS & GILCHRIST**  
 1800 FROST BANK TOWER  
 100 W HOUSTON ST  
 SAN ANTONIO, TX 78205-1457

**ASSISTANT COMMISSIONER FOR PATENTS**  
 WASHINGTON, D.C. 20231

**PRESS HARD.** **FOR PICKUP OR TRACKING CALL 1-800-222-1811** **www.usps.gov**

INTELLECTUAL PROPERTY

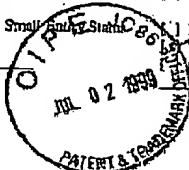
JUL 19 1999

JENKENS & GILCHRIST

THE STAMP OF THE PATENT OFFICE, PLACED HEREBON, ACKNOWLEDGES RECEIPT OF:

Applicant: David E. Finner, et al.  
 Attorney/Agent: John A. Thiele  
 Serial No.: 09/269518 App. Design No.: 34703-00006  
 Date Mailed: 7/1/99 Due: 7/1/99

- |  |   |
|--|---|
| <input type="checkbox"/> Affidavit or <input type="checkbox"/> Declaration   | <input type="checkbox"/> Amendment/Response To Office Action                                  |
| <input type="checkbox"/> Application for Patent including  | <input type="checkbox"/> Brief, <u>      </u> copies  |
| <u>      </u> pages spec., <u>      </u> pages claims  | <input type="checkbox"/> Assignment, check for \$ <u>      </u>                               |
| <input checked="" type="checkbox"/> Declaration or <input checked="" type="checkbox"/> Oath w/Power of Attorney    | <input type="checkbox"/> Assignment Recordation Cover Sheet                                   |
| <input type="checkbox"/> Application for Intent-To-Use TM/SM   | <input type="checkbox"/> Power of Attorney by Assignee  |
| <input type="checkbox"/> Application for TM/SM Reg. w/specimens  | <input type="checkbox"/> Certificate of Mailing Under 37 CFR 1.8(a)                           |
| <input checked="" type="checkbox"/> Certificate of Express Mail 37 CFR 1.10  | <input type="checkbox"/> Declaration of Attorney  |
| Express Mail No. <u>156357377986</u>   | <input type="checkbox"/> Drawings: <u>      </u> sheets                                       |
| <input type="checkbox"/> Information Disclosure Statement  | <input type="checkbox"/> <input type="checkbox"/> Formal or <input type="checkbox"/> Informal |
| <input type="checkbox"/> PTO Form 1449, <u>      </u> references   | <input type="checkbox"/> Issue Fee Transmittal  |
| <input type="checkbox"/> Power of Attorney   | <input type="checkbox"/> Notice of Appeal   |
| <input type="checkbox"/> Reg. for Filing <input type="checkbox"/> Continuation <input type="checkbox"/> Divisional | <input type="checkbox"/> Petition for Extension of Time ( <u>      </u> ) months              |
| Application Under 37 CFR 1.60  | <input type="checkbox"/> with check for \$ <u>      </u>                                      |
| <input checked="" type="checkbox"/> Verified Statement to Establish Small Entity Status                            | <input type="checkbox"/> Priority Document  |
| <input checked="" type="checkbox"/> Postcard   | <input type="checkbox"/> Transmittal Letter   |
| <input checked="" type="checkbox"/> Check for \$ <u>65.00</u>  | <input type="checkbox"/> Other: <u>      </u>   |



\* DOCKETED  
 Int: K1 dt: 7-21-99  
 Action Complete Date: 7-2  
Small Entity  
Missing Parts

Express Mail Label No. EL 596 200 659 US

Practitioner's Docket No. 34703.00006

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

David FENNER, et al.

Application No. 09/269,518

Filed: April 2, 1999

For: Fan Rotor

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EL 596 200 659 US

Group No. (Unknown)

Examiner: (Unknown)

Box PCT  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Attn: PCT Legal Department

Dear Sir:


PETITION TO WITHDRAW HOLDING OF ABANDONMENT

Applicants request withdrawal of the holding of abandonment of the above-identified application based on fact that a response to the notification of Missing Requirements (Form PCT/DO/BO/905) was filed on July 1, 1999.

CERTIFICATION OF EXPRESS MAILING

I hereby certify that this Petition to Withdraw Holding of Abandonment and the documents referred to as enclosed therein are being deposited with the United States Postal Service on this date July 2, 2000, in an envelope as "Express Mail Post Office to Addressee," mailing Label Number EL 596 200 659 US, addressed to the: Assistant Commissioner for Patents, Box PCT, Washington, D.C. 20231, Attn: PCT Legal Department.

A. M. (Andy) Arismendi, Jr.  
(type or print name of person mailing paper)

  
Signature of person mailing paper

**Express Mail Label No. EL 596 200 659 US**

The application was filed April 2, 1999 by Mr. Alan Thiele of Jenkins & Gilchrist.

On June 1, 1999, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed from the USPTO (copy attached as "A").

On June 7, 1999, it was received by Jenkins & Gilchrist in its Dallas office together with a Notification of Defective Oath or Declaration (Form PCT/DO/EO/917) (copy attached as "B").

On July 1, 1999, Mr. Thiele filed a response (copy attached as "C") to the notification of Missing Requirements together with the executed declaration and the completion fee. This response was filed by Express Mail. A copy of the return postcard (received by Jenkins & Gilchrist on July 19, 1999) is also included herewith as "D".

On July 27, 1999, this case was transferred from Jenkins & Gilchrist to Mr. Arismendi for further prosecution on instructions of the client. (Copy of the transfer letter attached as "E".)

On March 27, 2000, the Notification of Abandonment (Copy attached as "F") was mailed to the Dallas office of Jenkins & Gilchrist.

On March 30, 2000, it was received by Jenkins & Gilchrist in Dallas.

On June 27, 2000, it was forwarded to Mr. Arismendi.

On June 30, 2000, it was received by Mr. Arismendi.

On July 3, 2000, Mr. Arismendi filed this Petition.

A copy of the docket report printed on July 22, 1999 (copy attached as "G") reflects the filing of the response to the notice to file missing parts (i.e., notification of Missing Requirements) on July 1, 1999.

Accordingly, in view of the foregoing and the fact that a response was timely filed, Applicants respectfully request that the holding of abandonment be withdrawn.



Express Mail Label No. EL 596 200 659 US

CHANGE OF CORRESPONDENCE ADDRESS

Please send all correspondence to:

A.M. (Andy) Arismendi, Jr.  
Lundeen & Arsimendi, LLP  
P.O. Box 131144  
Houston, Texas 77219-1144

Ph: 713-652-2555  
Fax: 713-652-2556

Respectfully submitted,



A.M. (Andy) Arismendi, Jr.  
Reg. No. 31,715

Lundeen & Arsimendi, LLP  
P.O. Box 131144  
Houston, Texas 77219-1144

Ph: 713-652-2555  
Fax: 713-652-2556

Date: July 3, 2000



## UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark

Address: ASSISTANT COMMISSIONER FOR P

Box PCT

Washington, D.C. 20231

|                               |                       |                  |
|-------------------------------|-----------------------|------------------|
| U.S. APPLICATION NO.          | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
| 09/269,518                    | FENNER                | D 34703-00006    |
| INTERNATIONAL APPLICATION NO. |                       |                  |
| PCT/GB97/02940                |                       |                  |
| I.A. FILING DATE              |                       | PRIORITY DATE    |
| 10/27/97                      |                       | 10/03/96         |

ALAN R THIELE  
JENKENS & GILCHRIST  
3200 FOUNTAIN PLACE  
1445 ROSS AVENUE  
DALLAS TX 75202

5611

DATE MAILED: 06/01/99

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

- ☐ a Designated Office (37 CFR 1.494),  
☒ an Elected Office (37 CFR 1.495):

☒ U.S. Basic National Fee.

☒ Copy of the international application in:

☐ a non-English language.

☒ English.

☐ Translation of the international application into English.

☐ Oath or Declaration of inventor(s) for DO/EO/US.

☐ Copy of Article 19 amendments.

☐ Translation of Article 19 amendments into English.

☒ The International Preliminary Examination Report in English and its Annexes, if any.

☒ Translation of Annexes to the International Preliminary Examination Report into English.

☒ Preliminary amendment(s) filed 02 Apr 1999 and 02 Apr 1999

☐ Information Disclosure Statement(s) filed \_\_\_\_\_ and \_\_\_\_\_

☐ Assignment document.

☐ Power of Attorney and/or Change of Address.

☐ Substitute specification filed \_\_\_\_\_

☒ Statement Claiming Small Entity Status.

☒ Priority Document.

☒ Copy of the International Search Report ☒ and copies of the references cited therein.

☐ Other:

2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- ☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.

☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.

- ☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).

- ☐ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date.

☒ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.

- ☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$ \_\_\_\_\_ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.

ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☐ 21 OR ☒ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

INTELLECTUAL PROPERTY

JUN 07 1999

JENKENS &amp; GILCHRIST

\* DOCKETED

Int. 11/1 DT: 6-7-99Action complete Date: 6-1

Missing Parts due 7-1-99

9/26/99



Patent and Trademark Office

Address: ASSISTANT COMMISSIONER FOR PATENTS  
Washington, D.C. 20231

|                      |                       |                  |
|----------------------|-----------------------|------------------|
| U.S. APPLICATION NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
| 09/269,518           | FENNER                | D 34703-00006    |

ALAN R THIELE  
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5611  
INTELLECTUAL PROPERTY  
JUN 07 1999  
JENKENS & GILCHRIST

|                               |
|-------------------------------|
| INTERNATIONAL APPLICATION NO. |
|-------------------------------|

PCT/GB97/02940

|                  |               |
|------------------|---------------|
| I.A. FILING DATE | PRIORITY DATE |
|------------------|---------------|

10/27/97 10/03/96  
06/01/99

DATE MAILED:

### NOTIFICATION OF A DEFECTIVE OATH OR DECLARATION

This application fails to contain an oath or declaration acceptable under 35 U.S.C. 371 (c)(4) for entry into the national stage in the United States of America. The period within which to correct these requirements and avoid abandonment is set in the accompanying Office action.

A new oath or declaration, identifying this application by the international application number and international filing date is required. The oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:

1. ☒ is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
2. ☐ does not identify the specification to which it is directed.
3. ☐ does not identify the inventor(s).
4. ☐ does not identify the citizenship of each inventor.
5. ☐ does not state the person making the oath or declaration believes the named inventor or inventors to be the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought.

**FAILURE TO SUBMIT AN OATH OR DECLARATION IN COMPLIANCE WITH 37 CFR 1.497(a) AND (b) WITHIN THE TIME PERIOD SET WILL RESULT IN FAILURE TO ENTER THE NATIONAL STAGE AND THE ABANDONMENT OF THE APPLICATION.**

Additionally, the oath or declaration does not comply with 37 CFR 1.63 in that it:

1. ☐ does not identify the city and state or city and foreign country of residence or each inventor.
2. ☐ does not state that the person making the oath or declaration:
  - a. ☐ has reviewed and understands the contents of the specification, including the claims, as amended by any amendment specifically referred to in the oath or declaration.
  - b. ☐ acknowledges the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.
3. ☐ does not identify the foreign application for patent or inventor's certificate on which priority is claimed pursuant to 37 CFR 1.55, and any foreign application having a filing date before that of the application on which priority is claimed, by specifying the application serial number, country, day, month, and year of its filing.
4. ☐ does not state that the person making the oath or declaration acknowledges the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which

Serial Number: 09/269,518  
Inventor: Fenner, et al.  
Any. Docket No. 34703.00006

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

|                                 |   |                        |
|---------------------------------|---|------------------------|
| In re Application of            | ) |                        |
| Fenner, et al.                  | ) | Group Art Unit:        |
|                                 | ) |                        |
| Application No. 09/296,518      | ) |                        |
|                                 | ) | Examiner: (unassigned) |
| Filed: April 2, 1999            | ) |                        |
|                                 | ) |                        |
| Title: FAN ROTOR                | ) |                        |
| Attorney Docket No. 34703.00006 | ) |                        |

EL357877986US

Assistant Commissioner for Patents  
BOX PCT  
Washington, D.C. 20231

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION  
FILING DATE GRANTED**

**CERTIFICATE OF MAILING BY EXPRESS MAIL  
UNDER 37 CFR 1.6**

Whereby certify that this paper on file is being deposited with the  
U.S. Postal Service "Express Mail" Post Office to Addressee"  
service, "EXPRESS MAIL" Mailing Label No. EL357877986US  
on the date indicated below and is addressed to: Box Missing Parts,  
Assistant Commissioner for Patents, Washington, D.C. 20231

Date: July 1, 1999

Attest: AT AND B. SHIBL E. Registration No. 30694

Assistant Agent

*[Signature]*

Signature

Serial Number: 09/269,518  
Inventor: Fenner, et al.  
Atty. Docket No. 34703.00006

Sir:

This reply is to a Notification of Missing Requirements under 35 U.S.C. 371- (PCT/DO/EO/905) mailed June 1, 1999. A copy of the Notice is enclosed.

Below is a Statement by the undersigned registered agent that the application filed in the PCT is the application which the inventor executed by signing the attached Declaration.

#### I. DECLARATION OR OATH

A Declaration was filed with the original application but was not executed. Enclosed is a Declaration (with original signatures) for this application.

#### II. SMALL ENTITY STATUS

A Verified Statement that this filing is by a small entity was filed with the original application but not executed. Enclosed is a signed Verified Statement by the assignee for this application. A copy of the Assignment is also enclosed.

#### III. COMPLETION FEES

Surcharge fees: Late filing of original Declaration or Oath per 37 C.F.R. §1.16(e) - \$130.00; small entity - \$65.00. Total completion fees is \$65.00.

#### IV. EXTENSION OF TIME

An extension of time for the filing of this completion document is not required.

#### V. TOTAL FEES DUE

|                        |                |
|------------------------|----------------|
| Completion fee         | \$65.00        |
| Extension Fee (if any) | <u>\$ 0.00</u> |
| Total fees due         | <u>\$65.00</u> |

Serial Number: 09/269,518  
Inventor: Femer, et al.  
Att. Docket No. 34703.00006

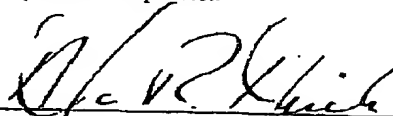
# VI. PAYMENT OF FEES

Enclosed is a check in the amount of \$65.00 to cover Completion and Extension Fees.

# VII. AUTHORIZATION TO CHARGE ADDITIONAL FEES

The Commissioner is hereby authorized to charge any additional fees which may be required by this paper during the pendency of this application to Account No. 10-0447.

Respectfully submitted,  
JENKENS & GILCHRIST  
A Professional Corporation



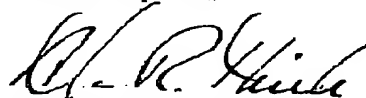
Alan R. Thiele  
Reg. No. 30,694  
Patent Attorney  
Tele: (Voice) (210) 246-5657  
(Facsimile) (210) 246-5999

July 1, 1999  
Date

# STATEMENT BY AGENT THAT APPLICATION FILED IN PATENT & TRADEMARK OFFICE IS THE ONE INVENTOR EXECUTED BY SIGNING DECLARATION

I hereby state that I am an agent for this application and that the application identified above is the application which the inventor executed by signing the Declaration that is being submitted herewith.

Respectfully submitted,  
JENKENS & GILCHRIST  
A Professional Corporation



Alan R. Thiele, Reg. No. 30,694

DOCKET NO.: 34703.000006

PATENT

**COMBINED DECLARATION AND POWER OF ATTORNEY**

As a below named inventor, I hereby declare that:

This declaration is of the following type: National Stage of PCT.

My residence, post office address and citizenship are as stated below next to my name; and

I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: EAN ROTOR, the specification of which:

X is attached hereto.

— was filed on \_\_\_\_\_ as PCT International Application No. \_\_\_\_\_ and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the Office all information known to me to be material to the patentability of this application as defined in 37 CFR § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of any application on which priority is claimed:

Country: Great Britain  
Application No.: 9622361.5  
Filed: 28 October 1996

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s) or PCT International application (s) designating the United States of America listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application or prior PCT International application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose to the Office all information known to me to be material to patentability of the application as defined in 37 CFR § 1.56 which occurred between

the filing date of the prior application and the national or PCT international filing date of this application:

PCT INTERNATIONAL APPLICATION

Application No.

Filed

PCT/GB97/02940

27 October 1997

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

JEFFERY E. BACON Reg. No. 35,055  
 THOMAS L. CANTRELL Reg. No. 20,849  
 THOMAS L. CRISMAN Reg. No. 24,846  
 STUART D. DWORK Reg. No. 31,103  
 H. MATHEWS GARLAND Reg. No. 19,129  
 J. KEVIN GRAY Reg. No. 37,141  
 STEVEN R. GREENFIELD Reg. No. 38,166  
 KEVIN HANSBRO Reg. No. 38,485  
 PAT HEPTIG Reg. No. 40,643  
 CRAIG A. HOERSTEN Reg. No. 38,917  
 JOHN R. KIRK JR. Reg. No. 24,477  
 PETER J. MANSO Reg. No. 32,264  
 ROGER L. MAXWELL Reg. No. 31,855  
 ROBERT A. McFALL Reg. No. 28,968  
 LISA H. MEYERHOFF Reg. No. 36,869  
 STANLEY R. MOORE Reg. No. 26,958  
 RICHARD J. MOURA Reg. No. 34,883  
 MARK V. MULLER Reg. No. 37,509  
 P. WESTON MUSSELMAN JR. Reg. No. 31,644  
 ALAN R. THIELE Reg. No. 30,694  
 TAMSEN VALOIR Reg. No. 41,417  
 RAYMOND VAN DYKE Reg. No. 34,746  
 BRIAN D. WALKER Reg. No. 37,751  
 GERALD T. WELCH Reg. No. 30,332

of the firm of **JENKENS & GILCHRIST, P.C.**, 3200 Fountain Place, 1445 Ross Avenue, Dallas, Texas 75202-2799

and

Address all telephone calls and correspondence to:



Alan R. Thiele  
 Jenkins & Gilchrist, P.C.  
 3200 Fountain Place  
 1445 Ross Avenue  
 Dallas, Texas 75202-2799  
 Telephone: (210) 246-5657  
 Facsimile: (210) 246-5999

Atty. Docket No. 34703.00006

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

|   |                     |   |         |
|---|---------------------|---|---------|
| 1 | David Fenner        | <i>David Fenner</i>   | 25/5/99 |
|   | First Name          | Inventor's Signature  | Date    |
|   | Residence           | Beeches, Durley Brook Road, Durley<br>Southampton, Hampshire, SO32 2AR UK |         |
|   | Post Office Address | As Above  |         |
| 2 | Christopher Lack    | <i>Christopher Lack</i>   | 25/5/99 |
|   | Full Name           | Inventor's Signature  | Date    |
|   | Residence           | 64 Woodham Park Road, Woodham<br>Nr. Weybridge, Surrey, KT15 3SF UK       |         |
|   | Post Office Address | As Above  |         |

\*

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**STATEMENT CLAIM SMALL ENTITY STATUS**  
**(37 CFR 1.9(f) & 1.9(e)) - SMALL BUSINESS CONCERN**

Packet Number (Optional)  
 34703-00006

Applicant, Patentee, or Identifier: David Fenner, et al.

Application or Patent No.: 09/269,518

Filed or Issued: April 2, 1999

Title: FAN ROTOR

I hereby state that I am

- ☐ the owner of the small business concern identified below.  
☐ an official of the small business concern empowered to act on behalf of the concern identified below.

NAME OF SMALL BUSINESS CONCERN Elta Fans Limited

ADDRESS OF SMALL BUSINESS CONCERN 15 Barnes Wallis Road, Segensworth  
East Industrial Estate, Fareham, Hants PO155BT

I hereby state that the above identified small business concern qualifies as a small business concern as defined in 13 CFR Part 121 for purposes of paying reduced fees to the United States Patent and Trademark Office. Questions related to size standards for a small business concern may be directed to: Small Business Administration, Size Standards Staff, 409 Third Street, SW, Washington, DC 20418.

I hereby state that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:

- ☒ the specification filed herewith with title as listed above.  
☐ the application identified above.  
☐ the patent identified above.

If the rights held by the above identified small business concern are not exclusive, each individual, concern, or organization having rights in the invention must file separate statements as to their status as small entities, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

- Each person, concern, or organization having any rights in the invention is listed below:  
☒ no such person, concern, or organization exists.  
☐ each such person, concern, or organization is listed below.

Separate statements are required from each named person, concern or organization having rights to the invention stating their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

NAME OF PERSON SIGNING David Peter Fenner

TITLE OF PERSON IF OTHER THAN OWNER Engineering Director

ADDRESS OF PERSON SIGNING Beeches, Durley Brook Road, Durley, Southampton  
Hants, SO32 2AR U.K.

SIGNATURE David Peter Fenner DATE 25-5-99

**Burden Hour Statement:** This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.**

Jenkins & Gilchrist

No. 121338

| DATE     | INVOICE        | DESCRIPTION                            | AMOUNT |
|----------|----------------|--|--------|
| 07-01-99 | 34703 6/THIELE | PCT FILING FEE FOR OATH OR DECLARATION | 65.00  |
| TOTAL    |                |  | 65.00  |

THIS CHECK CONTAINS A VOID FEATURE. MICRO-PRINTED SIGNATURE LINE AND AN ARTIFICIAL WATERMARK ON BACK. HOLD UNDER BLACKLIGHT TO VERIFY AUTHENTICITY.

**JENKINS & GILCHRIST**  
 A PROFESSIONAL CORPORATION  
 1445 ROSS AVE., SUITE 3200  
 DALLAS, TEXAS 75204-2711

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ASSISTANT COMMISSIONER FOR PATENTS

CHECK DATE: 06/30/98

CHECK AMOUNT: \$65.00

121338

VOID AFTER 180 DAYS

TWO SIGNATURES REQUIRED OVER \$10,000

121338 12133008801 10630004321

THE STAMP OF THE PATENT OFFICE, PLACED HEREON, ACKNOWLEDGES RECEIPT OF:

Applicant: David E. Fanner, et al.  
 Attorney/Agent: Attn: J. Thiele  
 Serial No.: 09/369518 Att. Docket No.: 34703-00006  
 Date Mailed: 7/1/99 Date: 7/1/99

- |   |   |
|---|---|
| <input type="checkbox"/> Affidavit or <input type="checkbox"/> Declaration                                      | <input type="checkbox"/> Amendment/Response To Office Action                                  |
| <input type="checkbox"/> Application for Patent including   | <input type="checkbox"/> Brief, _____ copies  |
| _____ pages spec. _____ pages claims  | <input type="checkbox"/> Assignment, check for \$ _____                                       |
| <input checked="" type="checkbox"/> Declaration or <input checked="" type="checkbox"/> Oath w/Power of Attorney | <input type="checkbox"/> Assignment Recordation Cover Sheet                                   |
| <input type="checkbox"/> Application for Intent-To-Use TM/SM  | <input type="checkbox"/> Power of Attorney by Assignee  |
| <input type="checkbox"/> Application for TM/SM Reg. w/specimens   | <input type="checkbox"/> Certificate of Mailing Under 37 CFR 1.8(a)                           |
| <input checked="" type="checkbox"/> Certificate of Express Mail 37 CFR 1.10                                     | <input type="checkbox"/> Declaration of Attorney  |
| Express Mail No. <u>EA357377986US</u>   | <input type="checkbox"/> Drawings: _____ sheets   |
| <input type="checkbox"/> Information Disclosure Statement   | <input type="checkbox"/> <input type="checkbox"/> Formal or <input type="checkbox"/> Informal |
| <input type="checkbox"/> PTO Form 1449, _____ references  | <input type="checkbox"/> Issue Fee Transmittal  |
| <input type="checkbox"/> Power of Attorney  | <input type="checkbox"/> Notice of Appeal   |
| <input type="checkbox"/> Reg. for Filing a Continuation or Divisional   | <input type="checkbox"/> Petition for Extension of Time (____) months                         |
| Application Under 37 CR 1.60  | <input type="checkbox"/> with check for \$ _____  |
| <input checked="" type="checkbox"/> Verified Statement to Establish Small Entity Status                         | <input type="checkbox"/> Priority Document  |
| <input checked="" type="checkbox"/> Postcard  | <input type="checkbox"/> Transmittal Letter   |
| <input checked="" type="checkbox"/> Check for \$ <u>65.00</u>   | <input type="checkbox"/> Other: _____   |

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(D

INTELLECTUAL PROPERTY

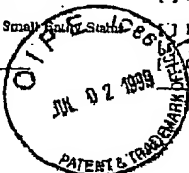
JUL 19 1999

JENKENS & GILCHRIST

THE STAMP OF THE PATENT OFFICE, PLACED HEREON, ACKNOWLEDGES RECEIPT OF:

Applicant: David Fenner, et al.  
 Attorney/Agent: Atty. J. B. Biele  
 Serial No.: 09/266318 Any. Docket No.: 34703-00006  
 Date Mailed: 7/1/99 Due: 7/1/99

- |  |   |
|--|---|
| <input type="checkbox"/> Affidavit or <input type="checkbox"/> Declaration   | <input type="checkbox"/> Amendment/Response To Office Action          |
| <input type="checkbox"/> Application for Patent including  | <input type="checkbox"/> Brief, _____ copies                          |
| _____ pages spec., _____ pages claims  | <input type="checkbox"/> Assignment, check for \$ _____               |
| <input checked="" type="checkbox"/> Declaration or <input checked="" type="checkbox"/> Oath w/Power of Attorney    | <input type="checkbox"/> Assignment Recordation Cover Sheet           |
| <input type="checkbox"/> Application for Intent-To-Use TM/SM   | <input type="checkbox"/> Power of Attorney by Assignee                |
| <input type="checkbox"/> Application for TM/SM Reg. w/specimens  | <input type="checkbox"/> Certificate of Mailing Under 37 CFR 1.8(a)   |
| <input checked="" type="checkbox"/> Certificate of Express Mail 37 CFR 1.10  | <input type="checkbox"/> Declaration of Attorney                      |
| Express Mail No. <u>15655737798605</u>   | <input type="checkbox"/> Drawings: _____ sheets                       |
| <input type="checkbox"/> Information Disclosure Statement  | <input type="checkbox"/> [ ] Formal or [ ] Informal                   |
| <input type="checkbox"/> PTO Form 1449, _____ references   | <input type="checkbox"/> Issue Fee Transmittal                        |
| <input type="checkbox"/> Power of Attorney   | <input type="checkbox"/> Notice of Appeal                             |
| <input type="checkbox"/> Reg. for Filing <input type="checkbox"/> Continuation <input type="checkbox"/> Divisional | <input type="checkbox"/> Petition for Extension of Time (____) months |
| Application Under 37 CR 1.60   | <input type="checkbox"/> [ ] with check for \$ _____                  |
| <input checked="" type="checkbox"/> Verified Statement to Establish Small Entity Status                            | <input type="checkbox"/> Priority Document                            |
| <input type="checkbox"/> Postcard  | <input type="checkbox"/> Transmittal Letter                           |
| <input checked="" type="checkbox"/> Check for \$ <u>65.00</u>  | Other: _____  |



\* DOCKETED  
 Int: K11 DT: 7-21-99  
 Action Complete Date: 7-2  
Small Entity  
Missing Parts

# Jenkins & Gilchrist

A PROFESSIONAL CORPORATION

1800 FROST BANK TOWER  
100 WEST HOUSTON STREET  
SAN ANTONIO, TEXAS 78205

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TELECOPIER (210) 246-5399

WWW.JENKENS.COM

WRITER'S DIRECT DIAL NUMBER  
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(214) 562-2000  
HOUSTON, TEXAS  
(713) 251-3500  
LOS ANGELES, CALIFORNIA  
(310) 520-4800  
WASHINGTON, D.C.  
(202) 326-1500  
Affiliate Office  
CHICAGO, ILLINOIS  
(312) 425-0800

July 27, 1999

## VIA LONE STAR OVERNIGHT

Mr. Andy M. Arismendi, Jr.  
Sroufe, Payne, Lundeen & D'Ambrosio, LLP  
1700 West Loop Street  
Suite 1230  
Houston, Texas 77027

Re: Transfer of Withers &amp; Rogers Files

Dear Mr. Arismendi:

Enclosed, in accordance with Withers &amp; Rogers request dated July 15, 1999, are the patent files which are listed as follows:

| J&G REF. No. | DESCRIPTION  | STATUS   |
|--------------|--|--|
| 34703-00002  | PCT No. PCT/GB96/01965;<br>U.S. Serial No. 09/011434 Filed: 02/10/97<br>Title: <i>Fluid Impeller</i> | Waiting for Notice to<br>File Missing Parts                    |
| 34708-00006  | PCT No. PCT/GB97/02940;<br>U.S. Serial No.: 09/269618 Filed: 04/02/99<br>Title: <i>Fan Rotor</i>     | IDS is now due;<br>Waiting for Notice to<br>File Missing Parts |

Along with the files, I have attached an Acknowledgment of Receipt. Please sign and return the Acknowledgment of Receipt at your earliest convenience.

Cordially,

  
Lisa Gentry,  
Legal Secretary to Alan R. Thiele

09/269518



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
BOX PCT  
Washington, D.C. 20231

|                        |                        |                        |
|------------------------|------------------------|------------------------|
| US APPLICATION NO. 918 | FENNEL NAMED APPLICANT | ATTY. DOCKET NO. 00016 |
|------------------------|------------------------|------------------------|

ALAN R THIELE  
JENKENS & GILCHRIST  
3200 FOUNTAIN PLACE  
1445 ROSS AVENUE  
DALLAS TX 75202

INTELLECTUAL PROPERTY  
MAR 30 2000  
JENKENS & GILCHRIST

5071

INTER-OFFICE REFERENCE NO. 940

I.A. FILING DATE 7/97 PRIORITY DATE 3/96

03/27/00

DATE MAILED:

### NOTIFICATION OF ABANDONMENT

The United States Patent and Trademark Office in its capacity as  
☐ a Designated Office (37 CFR 1.494), ☒ an Elected Office (37 CFR 1.495), has made the following determination:

- ☐ Applicant's letter of express abandonment received \_\_\_\_\_ is in compliance with 37 CFR 1.138 and is hereby acknowledged.
- ☐ Applicant has failed to provide the full U. S. Basic National Fee by ☐ 20 months (37 CFR 1.494 (b)(2)), ☐ 30 months (37 CFR 1.495 (b)(2)).
- ☒ Applicant has failed to respond to the notification of MISSING REQUIREMENTS (Form PCT/DO/EO/905), mailed 01 June 1999 within the time period set therein.
- ☐ Applicant has failed to properly respond to the notification of MISSING REQUIREMENTS (Form PCT/DO/EO/905), mailed \_\_\_\_\_ within the time period set therein. See the attached NOTIFICATION OF A DEFECTIVE RESPONSE (Form PCT/DO/EO/916).
- ☐ Other:

Therefore, the above identified application failed to meet the requirements of 35 U.S.C. 371 and 37 CFR  
☐ 1.494, ☒ 1.495 and is ABANDONED AS TO THE UNITED STATES OF AMERICA.

Accepted for Filing  
Patent and Trademark Office  
MAR 30 2000

Telephone: (703)



# Patent Record Summary Sheet

As Of: 07-22-1999 11:57:53 Printed: 07-22-1999

Created: 03/17/1999 Last Updt: 07/21/1999 By: KKH

|                               |   |
|-------------------------------|---|
| Docket #: 34703-00006USPX     | Country: US                             |
| Case Type: Regular            |   |
| Relationship: Original Filing | Status: 200/300 - Filed                 |
| Filing Type: National         | Sub-Status: 210/310 - Filed Application |
| Filing #:                     | SubStat Dt: 04/02/1999                  |
| Convention:                   |   |

Client: WAR - Withers & Rogers  
 Owner: INVT - INVENTORS/APPLICANTS  
 Group:  
 Agent:  
 Agt Ref #:  
 Dev. Atty: ART Assignment:  
 Resp. Atty: ART Claims: 20  
 Work Atty: ART Paralegal:  
 Expires:  
 Next Tax:  
 Tax Base:

Parent Ctry: WO  
 Parent #: PCT/GB97/02940  
 Application #: 09/269518  
 Patent #:  
 Publication #:  
 1st Filed: 10/26/1996  
 Parent Dt: 10/27/1997  
 Filed Dt: 04/02/1999  
 Grant Dt:  
 Pub Dt:

Title: FAN ROTOR

## Pending Actions:

| Action Due                 | Due Date   | IP Clerk 1 | IP Clerk 2 | Action Notes |
|----------------------------|------------|------------|------------|--------------|
| STATUS-FILING RECEIPT?     | 10/02/1999 |            |            |              |
| STATUS-REJECTION RESPONSE? | 10/02/2000 |            |            |              |

## Taken Actions (awaiting confirmation):

| Action              | Taken      | Due Date | IP Clerk 1 | IP Clerk 2 | Action Notes |
|---------------------|------------|----------|------------|------------|--------------|
| SMALL ENTITY STATUS | 07/01/1999 |          |            |            |              |

## Completed Actions:

| Action                            | Completed  | Taken      | Due Date   | IP Clerk 1 | IP Clerk 2 | Action Notes |
|-----------------------------------|------------|------------|------------|------------|------------|--------------|
| Notice of Missing Parts Filed     | 07/02/1999 | 07/01/1999 | 07/01/1999 |            |            |              |
| Notice of Missing Parts Mail Date | 06/01/1999 |            | 05/01/1999 |            |            |              |
| NATIONAL APPLICATION HAS BEEN     | 04/02/1999 | 04/02/1999 | 04/03/1999 |            |            |              |
| Preliminary Amendment             | 04/02/1999 | 04/02/1999 |            |            |            |              |
| No Foreign Filing                 | 10/28/1998 |            |            |            |            |              |

## User Text:

Other Code: Other #:

Inventors: Fenner, David

I-Pam System

DOCKET NO.: 34723 00006/AmA  
 SERIAL NO.: 09/269,518  
 FILED: APRIL 2, 1999  
 APPLICANT: DAVID FENNER ET AL

The Patent & Trademark Office acknowledges receipt of, and has stamped hereon the date of receipt of, the items checked below, which were mailed on: JUL 3, 2000

- ☐ Affidavit  
☐ Appeal Notice  
☐ Application: Cover Sheet (\_\_\_ page) Specification (\_\_\_ pages)  
 Claims: (\_\_\_ pages) Total Claims \_\_\_ Inde. Claims \_\_\_  
 Abstract (\_\_\_ pages) Oath \_\_\_ Declaration \_\_\_  
☐ \_\_\_ Sheets of Drawing(s): Formal \_\_\_ Informal \_\_\_  
☐ Assignment and Recordation: Cover Sheet  
☐ Brief  
☐ Declaration (\_\_\_) w/ Power of Attorney  
☐ Informal Disclosure Stmt-Form 1449 (with \_\_\_ references)  
☐ Issue Fee - Base/Balance ☐ Fee for Advance Copy(ies)  
☐ Letter  
☐ Letter, Transmittal  
☐ Letter (Change Deposit Account: 501285/\_\_\_/\_\_\_)  
☐ Petition  
☐ Power of Attorney  
☐ Preliminary Amendment  
☐ Request for Extension of Time  
☐ Response to \_\_\_  
☐ Specimens  
☐ Trademark/Service mark Application (\_\_\_ pages)  
☐ Verified Statement of Small Entity Status - Indep Inventor  
☐ Verified Statement of Small Entity Status - Small Business  
☐ Check # \_\_\_ In the amount of \$ \_\_\_  
☐ Check # \_\_\_ In the amount of \$ \_\_\_  
☒ Other: PETITION TO WITHDRAW HOLDING OF  
☐ Other: AMENDMENT

Express Mail # EL 596 200 659 u.s.

526 Rec'd PCT/PTO 03 JUL 2000



**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

Patent Cooperation Treaty  
Legal Office

Address: Assistant Commissioner for Patents  
Box PCT  
Washington, D.C. 20231

**27 OCT 2000**

A.M. (Andy) Arismendi, Jr.  
LUNDEEN & ARISMENDI, LLP  
P.O. Box 131144  
Houston, Texas 77219-1144

In re Application of  
David Peter FENNER, et al.  
Application No.: 09/269,518  
PCT No.: PCT/GB97/02940  
Int. Filing Date: 27 October 1997  
Priority Date: 28 October 1996  
Attorney Docket No.: 34703.00006  
For: FAN ROTOR

**DECISION ON  
PETITION  
UNDER 37 CFR 1.10(e)**

This is in response to the "PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT" filed 03 July 2000 and to the communication filed by facsimile on 22 September 2000. Both communications are being treated as a petition under 37 C.F.R. 1.10(e) to accept copies of the papers filed with the petition as being filed originally on 01 July 1999. The petition is GRANTED as follows:

No petition fee is necessary.

37 CFR 1.10(e) provides:

(e) Any person mailing correspondence addressed as set out in § 1.1(a) to the Office with sufficient postage utilizing the "Express Mail Post Office to Addressee" service of the USPS but not received by the Office, may petition the Commissioner to consider such correspondence filed in the Office on the USPS deposit date, provided that:

(1) The petition is filed promptly after the person becomes aware that the Office has no evidence of receipt of the correspondence;

(2) The number of the "Express Mail" mailing label was placed on the paper(s)

Serial No. 09/269,518

Page 2

or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail";

(3) The petition includes a copy of the originally deposited paper(s) or fee(s) that constitute the correspondence showing the number of the "Express Mail" mailing label thereon, a copy of any returned postcard receipt, a copy of the "Express Mail" mailing label showing the "date-in," a copy of any other official notation by the USPS relied upon to show the date of deposit, and, if the requested filing date is a date other than the "date-in" on the "Express Mail" mailing label or other official notation entered by the USPS, a showing pursuant to paragraph (d)(3) of this section that the requested filing date was the date the correspondence was deposited in the "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day; and

(4) The petition includes a statement which establishes, to the satisfaction of the Commissioner, the original deposit of the correspondence and that the copies of the correspondence, the copy of the "Express Mail" mailing label, the copy of any returned postcard receipt, and any official notation entered by the USPS are true copies of the originally mailed correspondence, original "Express Mail" mailing label, returned postcard receipt, and official notation entered by the USPS.

All of the requirements under 37 CFR 1.10(e) have been submitted. The petition was filed promptly after applicants became aware that the Office had no evidence of receipt of the response to the Notification of Missing Requirements of 01 June 1999. The "Express Mail" mailing label submitted with the petition indicates a stamped date and date-in of 01 July 1999 and bears the same "Express Mail" mailing label number (i.e. "Express Mail" label No. EL357877986US) that appears on the originally deposited Response to Notice to File Missing Parts. The petition is also accompanied by a return postcard receipt showing the communication to have been received in the USPTO on 02 July 2000. Applicants' communication of 22 September 2000 states that "the copies included in the Petition to Withdraw Holding of Abandonment filed July 3, 2000 are true and accurate copies of the Response to the Notification of Missing Requirements filed on July 1, 1999." Accordingly acceptance of papers submitted with the petition as being filed 01 July 1999 is appropriate and the Notification of Abandonment of 27 March 2000 is hereby VACATED.

For the reasons above, the petition under 37 CFR 1.10(e) is GRANTED.

Accordingly, the following items filed 03 July 2000 will be treated as filed on 01 July 1999: 1) response to Notice to File Missing Part, 2) executed declaration; 3) completion fees; and 4) Statement Claiming Small Entity Status.

Serial No. 09/269,518

Page 3

A review of the application file reveals the following:

a) The declaration filed 01 July 1999 is not properly executed and therefore is not in compliance with 37 CFR 1.497. No specification was attached to the declaration as mentioned by applicants therein. Also the declaration does not identify the citizenship of each inventor.

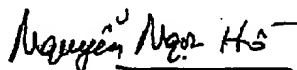
b) The statement claiming small entity status submitted on 02 April 1999 was not signed, therefore applicants were required to pay the full basic national fee of \$840.00 by 28 April 1999 to avoid abandonment of the application. Since one half of that amount was paid, the remaining portion will be charged to Deposit Account No. 10-0447 as authorized in the Transmittal Letter of 02 April 1999.

The application is being returned to the United States Designated/Elected Office for processing in accordance with this decision, that is a) for charging \$420 to Deposit Account No. 10-0447, and b) for issuance of a Notification of Missing Requirements (Form PCT/DO/EO/905) to inform applicants that an oath or declaration in compliance with 37 CFR 1.497 must be submitted in order to avoid abandonment of the application as to the national stage in the United States.



Boris Milef  
PCT Legal Examiner  
PCT Legal Office

NNH/BM:hn



Nguyễn Ngọc-Hồ  
Paralegal Specialist  
PCT Legal Office

Tel: (703) 308-6508

David Fenner  
Christopher Lack

**EXHIBIT 3**

Papers submitted 15 June 2001 with Return Postcard:

1. Copy of Notification of Missing Requirements (mailed 15 March 01).
2. Response to Notification of Missing Requirements (Express Mail EL 677 098 461 US)  
with one-month extension of time.
  - I. Declaration & Power of Attorney
  - II. Statement Claiming Small Entity Status
  - III. Return Postcard

09/269518

INTELLECTUAL PROPERTY

MAR 2 0 2001

JENKENS &amp; GILCHRIST



## UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office

Address: ASSISTANT COMMISSIONER FOR PATENTS

Box PCT

Washington, D.C. 20231

|                                |        |                       |                              |
|--------------------------------|--------|-----------------------|------------------------------|
| U.S. APPLICATION NO. 09/269518 | FENNER | FIRST NAMED APPLICANT | ATTY. DOCKET NO. 34703-00006 |
|--------------------------------|--------|-----------------------|------------------------------|

ALAN R THIELE  
JENKENS & GILCHRIST  
3200 FOUNTAIN PLACE  
1445 ROSS AVENUE  
DALLAS TX 75202

5611

INTERNATIONAL APPLICATION NO.

PCT/GB97/02940

I.A. FILING DATE

PRIORITY DATE

10/27/97

10/03/96

03/15/01

DATE MAILED:

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as:
- ☐ a Designated Office (37 CFR 1.494),
  - ☐ an Elected Office (37 CFR 1.495):
  - ☒ U.S. Basic National Fee.
  - ☒ Copy of the international application in:
    - ☐ a non-English language.
    - ☒ English.
  - ☐ Translation of the international application into English.
  - ☒ Oath or Declaration of Inventors(s) for DO/EO/US.
  - ☐ Copy of Article 19 amendments.
  - ☐ Translation of Article 19 amendments into English.
  - ☒ The International Preliminary Examination Report in English and its Annexes, if any.
  - ☒ Translation of Annexes to the International Preliminary Examination Report into English.
  - ☒ Preliminary amendment(s) filed 03 APR 1999 and \_\_\_\_\_.
  - ☐ Information Disclosure Statement(s) filed \_\_\_\_\_ and \_\_\_\_\_.
  - ☐ Assignment document.
  - ☐ Power of Attorney and/or Change of Address.
  - ☐ Substitute specification filed \_\_\_\_\_.
  - ☐ Statement Claiming Small Entity Status.
  - ☒ Priority Document.
  - ☒ Copy of the International Search Report ☒ and copies of the references cited therein.
  - ☐ Other: \_\_\_\_\_.
2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:
- ☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
    - ☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
  - ☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
  - ☒ c. Oath or declaration of the inventor, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date.
    - ☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
  - ☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).
3. Additional claim fees of \$ \_\_\_\_\_ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.

**ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☐ 21 OR ☒ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.
5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

**A copy of this notice MUST be returned with this response.**

Enclosed: ☐ PCT/DO/EO/917 ☐ Notice of Defective Translation  
☐ PTO-875

FORM PCT/DO/EO/905 (December 1997)

LAURENCE HENDER  
Telephone: (703) 205-6568  
(703) 205-6568



**CERTIFICATE OF EXPRESS MAILING**

I hereby certify that this correspondence and the documents identified as enclosed therein are being deposited with the United States Postal Service on this date, June 15, 2001, by Express Mail (Express Mail Label No. EL677098461US), addressed to the Commissioner for Patents, Box PGT, Washington, D.C. 20231

*Susan B. Jensen*  
Signature

*Susan B. Jensen*  
Printed Name

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE NATIONAL STAGE APPLICATION OF

David Fenner et al.

FILED: April 2, 1999

TITLE: Fan Rotor

Commissioner of Patents  
Washington, D.C. 20231

§  
§  
§  
§  
§  
§  
§

APPLICATION NO.: 09/269,518

ATTY. DKT. NO.: 34703.00006

**EL677098461US**

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER  
35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE**

Dear Sir:

In response to the Notification of Missing Requirements mailed March 15, 2001 for the above-identified matter, Applicants out of an abundance of caution file herewith the following documents:

1. Declaration and Power of Attorney executed May 30, 2001.
2. Surcharge under 37 CFR 1.492(e) of Sixty-five Dollars (\$65.00). The Commissioner for Patents is authorized to charge this surcharge fees associated with this communication or credit any overpayment to Deposit Account No. 501285/AMA/34703.00006.

**PETITION FOR EXTENSION OF TIME**

Applicants respectfully request a two-month extension of time to and including June 15, 2001, for responding to the Notification of Missing Requirements mailed March 15, 2001, with a shortened statutory period ending April 15, 2001. In accordance to 37 CFR § 1.136(a) and 37 CFR § 1.17(a)(2), a One Hundred Ninety-five Dollars (\$195.00) (small entity status) extension fee is included with this request. The Commissioner for Patents is authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 501285/AMA/34703.00006.

Response to Notification of Missing Requirements  
Page 1 of 2

**SMALL ENTITY STATUS**

Applicants claim small entity status. Additionally, Elta Fans Limited the assignee of the present application also claims small entity status. A true and accurate copy of the Verification of Small Entity Status previously filed July 1, 1999 is filed herewith.

**REQUEST FOR REFUND**

Applicants request a refund of the surcharge and extension fees paid as a result of this filing.

Please note that Applicants had previously filed a response to a Notification of Missing Requirements dated mailed June 1, 1999, which included an executed Declaration and Power of Attorney executed May 25, 1999, Verified Statement Claiming Small Entity Status and the Surcharge under 37 CFR 1.492(e). A copy of each of these documents and check together with a copy of the returned postcard were provided as part of the Petition to Withdraw a Holding of Abandonment filed July 3, 2000, which was granted based on the documentation provided by the Decision dated November 2, 2000. An additional copy of these documents was provided by facsimile on March 30, 2001 per request of Mr. Lamont Hunter.

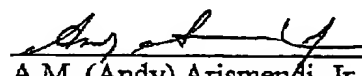
The Declaration and Power of Attorney executed May 30, 2001 reflects the Applicants current representation by counsel of our firm, rather than representation by Applicants prior counsel.

**CONCLUSION**

In any event, Applicants await their official filing receipt and request that examination proceed on the present application.

Should any fees be due, please charge or credit Deposit Acct. No.  
501285/AMA/34703.00006.

Respectfully submitted by,

  
A.M. (Andy) Arismendi, Jr.  
Reg. No. 31,715

A.M. (Andy) Arismendi  
Lundeen & Arismendi, LLP  
1700 West Loop South, Ste, 1230  
Houston, TX 77027  
Telephone: 713-652-2555  
Facsimile: 713-652-2556

# DECLARATION AND POWER OF ATTORNEY

As below named inventor(s), we hereby declare that:

Our residence, post office address, and citizenship are as stated below next to our name.

We believe we are the original, first and sole inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled: Fan Rotor the specification of which:

- ☐ is attached hereto.  
☒ was filed on: April 2, 1999, as National Stage Application Serial No. 09/269,518 and amended on April 2, 1999 (Preliminary Amendment).

We hereby state that we have reviewed and understand the contents of the above identified specification, including the claims.

We acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

We hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

## PRIOR FOREIGN APPLICATION(S):

| Priority Claimed | Number    | Country       | Date Filed      |
|------------------|-----------|---------------|-----------------|
| Yes              | 9622361.5 | Great Britain | 28 October 1996 |

We hereby claim the benefit under Title 35, United States Code, §120 of any United States Application(s) or PCT International applications designating the United States of America listed below, and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application or prior PCT International application in the manner provided by the first paragraph of Title 35, United States Code, §112, we acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT International filing date of this application:

| PCT/GB97/02940                | 27 October 1997 | (Status) |
|-------------------------------|-----------------|----------|
| (PCT Int'l Appl'n Serial No.) | (Filing Date)   |          |

We hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, with full power of substitution and revocation:

| Name                       | Registration No. | Address Telephone Calls and Correspondence to: |
|----------------------------|------------------|--|
| Daniel N. Lundeen          | 31,177           | A.M. (Andy) Arismendi, Jr.                     |
| A.M. (Andy) Arismendi, Jr. | 31,715           | Lundeen & Arismendi, L.L.P.                    |
| David B. Dickinson         | 47,525           | P.O. Box 131144                                |
|                            |                  | Houston, Texas 77219-1144                      |
|                            |                  | (713) 652-2555                                 |

We hereby declare that all statements made of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

FIRST NAMED INVENTOR'S FULL NAME: David Fenner

FIRST NAMED INVENTOR'S SIGNATURE: David Fenner

Date: 30<sup>th</sup> MAY 2001

CITIZENSHIP: UK

RESIDENCE ADDRESS: Beeches, Durlay Brook Road, Durlay Southhampton, Hampshire, SO32 2AR

POST OFFICE ADDRESS: same as above

ADDITIONAL JOINT INVENTOR(S) LISTED ON ATTACHED SHEET: ☒ Yes ☐ No

FIRST NAMED INVENTOR'S FULL NAME: Christopher LackFIRST NAMED INVENTOR'S SIGNATURE: Christopher LackDate: 30th May 2001CITIZENSHIP: UKRESIDENCE ADDRESS: 64 Woodham Park Road, Woodham Nr. Weybridge, Surrey, KT15 3SPPOST OFFICE ADDRESS: same as above

Declaration

-2-

Under the Paperwork Reduction Act

no persons are required to respond to a collection of

Approved for use through 09/30/2000. OMB 0661-002  
Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE  
unless it displays a valid OMB control number**STATEMENT CLAIMING SMALL ENTITY STATUS**  
**(37 CFR 1.9(f) & 1.27(c))--SMALL BUSINESS CONCERN**Docket Number (Optional)  
34703-00006Applicant, Patentee, or Identifier: David Fenner, et al.Application or Patent No.: 09/269,518Filed or Issued: April 2, 1999Title: FAN ROTOR

I hereby state that I am

- ☐ the owner of the small business concern identified below.
- ☐ an official of the small business concern empowered to act on behalf of the concern identified below.

NAME OF SMALL BUSINESS CONCERN Elta Fans LimitedADDRESS OF SMALL BUSINESS CONCERN 15 Barnes Wallis Road, Segensworth  
East Industrial Estate, Fareham, Hants PO155BT

I hereby state that the above identified small business concern qualifies as a small business concern as defined in 13 CFR Part 121 for purposes of paying reduced fees to the United States Patent and Trademark Office. Questions related to size standards for a small business concern may be directed to: Small Business Administration, Size Standards Staff, 409 Third Street, SW, Washington, DC 20416.

I hereby state that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:

- ☒ the specification filed herewith with title as listed above.
- ☐ the application identified above.
- ☐ the patent identified above.

If the rights held by the above identified small business concern are not exclusive, each individual, concern, or organization having rights in the invention must file separate statements as to their status as small entities, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

- Each person, concern, or organization having any rights in the invention is listed below:
- ☒ no such person, concern, or organization exists.
- ☐ each such person, concern, or organization is listed below.

Separate statements are required from each named person, concern or organization having rights to the invention stating their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

NAME OF PERSON SIGNING David Peter FennerTITLE OF PERSON IF OTHER THAN OWNER Engineering DirectorADDRESS OF PERSON SIGNING Beeches, Durley Brook Road, Durley, SouthamptonHants, SO32 2AR U.K.SIGNATURE David Peter FennerDATE 25-5-99

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